

**United States Department of Labor
Employees' Compensation Appeals Board**

E.F., Appellant

and

**U.S. POSTAL SERVICE, CLOVER POST
OFFICE, Clovis, CA, Employer**

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**Docket No. 20-1629
Issued: April 15, 2021**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On September 15, 2020 appellant filed a timely appeal from an August 13, 2020 merit decision of the Office of Workers' Compensation Programs. The Clerk of the Appellate Boards docketed the appeal as No. 20-1629.

On February 14, 2020 appellant, then a 56-year-old unassigned regular (former letter carrier), filed an occupational disease claim (Form CA-2) alleging that she developed migraines, panic and anxiety attacks, and depression due to factors of her federal employment. She noted that she had filed two prior claims for the same conditions, and that a negative and hostile work environment in the office had caused a flare up of those conditions.¹ Appellant indicated that she first became aware of her claimed conditions on November 11, 2019, and realized their relationship to factors of her federal employment on November 25, 2019. She stopped work on January 13, 2020.

¹ Appellant previously filed a Form CA-2 alleging a stressful and harmful work environment, which OWCP adjudicated under OWCP File No. xxxxxx975. She further referenced a prior traumatic injury claim (Form CA-1) occurring while in the performance of duty on June 4, 2019, resulting in migraine headaches, nausea, light and noise sensitivity and extremity weakness, which OWCP adjudicated under OWCP File No. xxxxxx026. By decisions dated January 3 and July 26, 2019, respectively, OWCP denied both claims.

In a statement of even date, appellant described feelings of anxiety, fear, and panic that she experienced while in the workplace since January 2017.

OWCP received various medical records detailing treatment that appellant received for a diagnosis of post-traumatic stress disorder (PTSD) due to a history of sexual trauma while serving in the military and for migraines and emotional difficulties that she attributed to her work environment with the employing establishment. In an April 29, 2020 letter, Dr. Lynn Marie Nyle, a psychiatrist, diagnosed appellant with PTSD and major depressive disorder, recurrent and severe, and declared her to be totally unemployable.

By decision dated August 13, 2020, OWCP denied appellant's claim finding that she had not submitted sufficient evidence to establish that she actually experienced the employment incidents alleged to have occurred. In its decision, it noted appellant's two earlier claims for similar conditions, and that "all documentation in the file were [sic] reviewed." OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

The Board has duly considered the matter and finds that the case is not in posture for decision.

OWCP's procedures provide that cases should be combined when correct adjudication depends on cross-referencing between files and where two or more injuries occur to the same part of the body.² In the instant case, appellant filed an occupational disease claim for migraines, panic and anxiety attacks, and depression due to a negative and harmful work environment. The Board notes that appellant's prior claims under OWCP File No. xxxxxx975 and OWCP File No. xxxxxx026 also involved migraine headaches and emotional conditions due to an allegedly stressful and harmful work environment. However, OWCP has not administratively combined the claims.

For a full and fair adjudication, the Board finds that this case must be remanded to OWCP to administratively combine the present claim file with OWCP File No. xxxxxx975 and OWCP File No. xxxxxx026. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.³

² Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).

³ *M.B.*, Docket No. 20-0770 (issued January 5, 2021); *R.G.*, Docket No. 19-1755 (issued July 7, 2020); *L.M.*, Docket No. 19-1490 (issued January 29, 2020).

IT IS HEREBY ORDERED THAT the August 13, 2020 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: April 15, 2021
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board